IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1342 OF 2006

Jayendra Srimalla ... Petitioner

Versus

M.H.A.D.A. and Ors. ... Respondents

Mr. R.V. Govilkar for Petitioner.

Mr. G.N. Mattos, A.G.P. for R. Nos. 1, 2 and 4.

CORAM: F.I. REBELLO &
ANOOP V. MOHTA,JJ.
DATED: DECEMBER 05, 2006

P.C.:

. Admittedly, the Petitioner had not bid in terms of premises bearing No. 3A. The Petitioner had bid in terms of premises bearing No. 3 for which he had offered the sum of Rs.18,24,817/-. The premises 3A which were offered, the highest bid was in the sum of Rs.47,10,001/-. Inspite of that it appears that the premises bearing No. 3A was allotted to the Petitioner herein. This came to light of the respondent Authority who have cancelled the allotment made in favour of the Petitioner by order dated 13.12.2005.

. It is the contention of the Petitioner that he is not at fault and that MHADA should be directed to give him equivalent premises for the sum which he had paid. That issue cannot be gone into by us.

The limited issue is whether the action of the Respondents in cancelling the allotment made to Petitioners bearing premises No. 3A is legal. In our opinion, the respondents are well within their rights in cancelling the said allotment as prima facie there appears to have been fraud practiced on the property of the respondents.

. In the light of that, we are not inclined to interfere in the exercise of our extra ordinary jurisdiction. It will be open to the Petitioners to take such recourse at law to which he is entitled to. With the above observations, Petition disposed of.

. If the Petitioner are willing to accept the money, the Petitioners should be paid interest on the said amount as per rules. Petition disposed of.

(ANOOP V. MOHTA,J.) **(F.I.REBELLO, J.)**